

1 of service of process on Defendants.” (Order 1:17–19, ECF No. 70) (emphasis omitted).
2 Plaintiff again failed to comply. (*See* Order to Show Cause, ECF No. 71).

3 Consequently, on October 2, 2018, the Court issued an Order to Show Cause, requiring
4 the parties to demonstrate “why sanctions should not be imposed for the party’s failure to
5 comply with th[e] Court’s [September 18, 2018] Order.” (*Id.* 1:19–21). The Court gave the
6 parties until October 15, 2018, to show cause. (*Id.*). The Court warned that “[f]ailure to timely
7 respond to th[e] Order to Show Cause may result in the imposition of sanctions up to and
8 including a recommendation to the District Judge that this case be dismissed or that default
9 judgment be entered against any remaining defendants.” (*Id.* 1:21–24). Plaintiff failed to
10 comply. (*See* R&R, ECF No. 72). Accordingly, on October 26, 2018, Judge Foley issued an
11 R&R recommending that the Court strike Plaintiff’s Complaint and dismiss the case. (R&R
12 3:2–3, ECF No. 72).

13 **II. LEGAL STANDARD**

14 A party may file specific written objections to the findings and recommendations of a
15 United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B);
16 D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo*
17 determination of those portions to which objections are made. *Id.* The Court may accept, reject,
18 or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge.
19 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b).

20 **III. DISCUSSION**

21 In his Objection, Plaintiff argues that the Court should not dismiss the case, and that it
22 should compel Defendants to meet with Plaintiff to file a joint status report. (Obj. ¶ 6, ECF No.
23 73). According to Plaintiff, “[n]one of the counsels approached [him] to file Joint Status
24 Report after the court issued the order to file Joint Status Report, on September 14, 2018.” (*Id.*
25 ¶ 2). Plaintiff claims that “[he] approached counsels of Defendants to meet in person to file a

1 joint report as per court order, but none of the counsels approached [him] to file joint report.”
2 (*Id.* ¶ 3). Specifically, Plaintiff alleges he approached counsel for Defendants OnTrac and
3 Diversified Transport & Storage, Inc. (“DTS”) to file the report. (*Id.* ¶¶ 4, 5).

4 Plaintiff’s arguments fail for numerous reasons. First, the operative Complaint does not
5 name OnTrac and DTS as defendants, and the Court has dismissed Plaintiff’s claims against
6 OnTrac and DTS with prejudice. (*See* Compl., ECF No. 1; Order Granting Stipulation of
7 Dismissal, ECF No. 66). Second, Plaintiff is responsible for Defendants’ failure to confer with
8 him regarding a status report because Defendants have not been properly served; there is no
9 indication that Defendants are even aware of this action. (*See* Notice, ECF No. 56); *see also*
10 FRCP 4. Third, Plaintiff does not provide an acceptable excuse for his failure to comply with
11 the Order to Show Cause. Even if Plaintiff could not have conferred with Defendants, the
12 Order to Show Cause provided Plaintiff the opportunity to explain, in writing, why the Court
13 should not dismiss his Complaint. (Order to Show Cause, ECF No. 71). Moreover, Plaintiff did
14 not request an extension of time to comply with the Order to Show Cause. *See* FRCP 6(b).
15 Accordingly, the Court finds no basis to depart from the R&R.

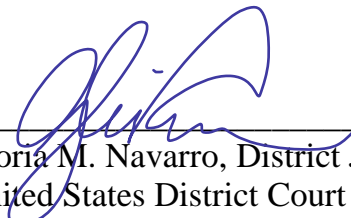
16 **IV. CONCLUSION**

17 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 72), is
18 **ADOPTED in full.**

19 **IT IS FURTHER ORDERED** that this action is **DISMISSED without prejudice.**

20 The Clerk of the Court shall enter judgment accordingly.

21 **DATED** this 21 day of October, 2019.

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Gloria M. Navarro, District Judge
United States District Court